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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

GREEN, BRIAN

ART UNIT

PAPER NUMBER

3611

DATE MAILED: 03/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/749,545	Applicant(s) JAY, MATTHEW	
	Examiner Brian K. Green	Art Unit 3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on Dec. 28, 2005 has been entered.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the screw(s) defined in claims 13,16,31,32, and 33 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet"

Art Unit: 3611

pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claims 12-33 are objected to because of the following informalities: In claim 12, lines 7, 8, and 9, “the frame member” should be “the at least one frame member” to be consistent with claim 12, line 6. In claims 18,19, and 28, line 1, “the frame member” should be “the at least one frame member”. In claim 20, lines 2-3, “frame member” should be “the at least one frame member”. In claim 21, line 1, “frame member” should be “the at least one frame member”. In claim 25, line 8, “the frame member” should be “the at least one frame member”. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 12,19,21, and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Thomas (U.S. Patent No. 2,631,468).

Thomas shows in figures 1-4 a media display system comprising a body member (10) forming a downwardly facing, semi-circular recess (12) along a width of the body member, at least one frame member (16) that mounts over a top surface of the body member, and the frame member and the body member configured for holding a printed media (18) between the frame

Art Unit: 3611

member and the body member. In regard to claim 19, Thomas shows in figure 1 that the leading edge is sweep back. In regard to claims 21 and 22, Thomas shows in figures 1-4 that the thickness is less than one-third of the length. In regard to claim 25, as broadly defined, the bar (A) is considered to be a lateral restraint.

Claims 12 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Williams (U.S. Patent No. 2,507,875).

Williams shows in figures 1-5 a media display system comprising a body member (3) forming a downwardly facing, semi-circular recess (22 or 24) along a width of the body member, at least one frame member (4) that mounts over a top surface of the body member, and the frame member and the body member configured for holding a printed media (12) between the frame member and the body member. Downwardly is a relative term, and as broadly defined, the recess is considered to be downwardly facing. In regard to claim 13, Thomas shows in figures 3 and 4 screws that screw "upwardly" through holes formed by the body member into the frame member.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12,14,15,18,21-25,29, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gori (U.S. Patent No. 5,301,443) in view of Schoemer (U.S. Patent No. 4,291,475).

Gori shows in figures 1-10 a display system including an elongate lateral restraint (173) “connectable” to a ski-lift chair, a body member (7) and printed media (145,147) placed on the body member. The body member (7) includes a downwardly facing, semicircular recess (see fig. 3) along a width of the body member. Gori does not disclose the idea of placing a frame member on the body member. Schoemer shows in figures 1-5 a body member (10), printed media (11), and a frame member (12) for securing the printed media to the body member. In view of the teachings of Schoemer it would have been obvious to one in the art to modify Gori by providing a frame member for each of the printed media since this would allow the printed media to be protected in a better manner. In regard to claims 14 and 29, Gori shows in figure 8 three areas (113,115,117) for holding printed media and a frame member would be provided for each of these areas so frame members would include a central frame member, a left frame member, and a right frame member. In regard to claim 15, Gori does not disclose making the central frame member about half the width of the body member. It would have been an obvious matter of design choice to make the central frame member about half the width of the body member since the applicant fails to define any advantage to making the central frame member about half the width of the body member and the width of the central frame member taught by Gori in view of Schoemer would work equally as well and it is considered within one skilled in the art to vary the size of the central frame member as desired. In regard to claims 18, Schoemer shows latch tabs (17) that cooperate with openings in the body member and snap into place, the direction of

Art Unit: 3611

the tabs is considered to be a matter of design choice. In regard to claims 21 and 22, Gori shows in figures 1, 6, and 7 that the thickness is less than one-third of the length. In regard to claim 23, Gori does not disclose making the width at least six times the length. It would have been an obvious matter of design choice to make the width six times the length since the applicant fails to define any advantage to making the width six times the length and the length of the width taught by Gori in view of Schoemer would work equally as well and it is considered within one skilled in the art to vary the size of the width relative to the length as desired. In regard to claims 24 and 30, Gori shows in figure 6 that the body member includes recesses for securing screw.

Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gori (U.S. Patent No. 5,301,443) in view of Schoemer as applied to claim 12 above and further in view of Evans (U.S. Design Patent No. 206,518) or Emmett (U.S. Design Patent No. D419,604).

Gori in view of Schoemer disclose the applicant's basic inventive concept except for sweeping the leading edge rearwardly. Evans shows in figure 1 a card holder that includes the idea of sweeping the leading edge rearwardly. Emmett shows in figure 1 a sign that includes the idea of sweeping the leading edge rearwardly. In view of the teachings of Evans or Emmett it would have been obvious to one in the art to modify Gori by sweeping the leading edge rearwardly since this would create a more amusing, aesthetically pleasing, and safer sign, i.e. the rounded ends would be safer. In regard to claim 20, Gori shows in figures 6 and 7 a convex top surface which is formed by the body member and frame member. Since the frame member is supported on the body member it would follow the shape of the top surface of the body member.

Art Unit: 3611

Claims 26 and 27 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Gori (U. S. Patent No. 5,301,443) in view of Schoemer (U. S. Patent No. 4,291,475) as applied to claim 25 above and further in view of Smith (U.S. Patent No. 5,301,443).

Gori in view of Schoemer disclose the applicant's basic inventive concept except for reverse printing indicia on a transparent sheet. Smith shows in figures 1-3 a transparent cover sheet (17) that includes reverse printed indicia (30a,30b) thereon. In view of the teachings of Smith it would have been obvious to one in the art to modify Gori by placing reverse printed indicia on a transparent sheet since this would make the printed media more durable.

Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas (U.S. Patent No. 2,631,468).

In regard to claim 23, Thomas does not disclose making the width at least six times the length. It would have been an obvious matter of design choice to make the width six times the length since the applicant fails to define any advantage to making the width six times the length and the length of the width taught by Thomas would work equally as well and it is considered within one skilled in the art to vary the size of the width relative to the length as desired. In regard to claim 24, Thomas does not disclose whether the recesses for the screws (34) are molded. The examiner takes official notice that it is known to form molded screw recesses. It would have been obvious to one in the art to modify Thomas by creating the recesses by molding since this would allow the recesses to be made in an easier and faster manner.

Art Unit: 3611

Claims 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas (U.S. Patent No. 2,631,468) in view of Spresser et al. (U.S. Patent No. 4,217,711)

Thomas discloses the applicant's basic inventive concept except for forming the at least frame member with a central frame member, a left frame member, and a right frame member. Spresser et al. shows in figures 1 and 2 a frame member (26) that includes two frame members (one receives card 104 and the other card 106). In view of the teachings of Spresser et al. it would have been obvious to one in the art to modify Thomas by forming multiple frames on the frame member since this would allow multiple display sheets to be displayed at the same time. It is considered within one skilled in the art to vary the number of frames as desired, i.e. to form three frame members instead of two in order to allow more information sheets to be displayed. In regard to claim 15, Thomas in view of Spresser et al. do not disclose making the central frame member about half the width of the body member. It would have been an obvious matter of design choice to make the central frame member about half the width of the body member since the applicant fails to define any advantage to making the central frame member about half the width of the body member and the width of the central frame member taught by Thomas in view of Spresser et al. would work equally as well and it is considered within one skilled in the art to vary the size of the central frame member as desired. In regard to claim 16, Thomas shows in figures 3 and 4 screws (26) and hooks (28,28). In regard to claim 17, Thomas shows in figure 4 that the frame member includes semi-circular recesses (the inner surface ends of the frame member are curved at each end) at each end of the frame member.

Art Unit: 3611

Claim 25 and 30-33 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Thomas (U.S. Patent No. 2,631,468) in view of DeMasi (U. S. Patent No. 5,685,095).

Thomas discloses the applicant's basic inventive concept except for attaching the display to a restraint bar of a ski-lift chair. DeMasi shows in figures 1 and 2 the idea of attaching a display (32) to a restraint of a ski-lift chair. In view of the teachings of DeMasi it would have been obvious to one in the art to modify Thomas by attaching the display device to a restraint of a ski-lift chair since this would allow the device to be used on a wider range of articles for displaying any desired information. In regard to claim 30, Thomas does not disclose whether the recesses for the screws (34) are molded. The examiner takes official notice that it is known to form molded screw recesses. It would have been obvious to one in the art to modify Thomas by creating the recesses by molding since this would allow the recesses to be made in an easier and faster manner. In regard to claims 31-33, Thomas shows in figures 2 and 3 a plurality of loops (30) having flanges on each end and screws (34). It is considered within one skilled in the art to make the rivets (32) in the form of screws (34) since this would allow the loops to be removed in an easier matter to ease of shipping and storage.

Claims 26 and 27 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Thomas (U.S. Patent No. 2,631,468) in view of DeMasi (U. S. Patent No. 5,685,095) as applied to claim 25 above and further in view of Smith (U.S. Patent No. 5,301,443).

Thomas in view of DeMasi disclose the applicant's basic inventive concept except for reverse printing indicia on a transparent sheet. Smith shows in figures 1-3 a transparent sheet (17) that includes reverse printed indicia (30a,30b) thereon. In view of the teachings of Smith it would

Art Unit: 3611

have been obvious to one in the art to modify Thomas in view of Gori by replacing the sheet (18) with a transparent sheet with reverse printed indicia thereon since this would allow the indicia to be protected in a better manner as well as creating a more durable media strip.

Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas (U.S. Patent No. 2,631,468) in view of DeMasi as applied to claim 25 above and further in view of Hrabik (U.S. Patent No. 4,104,818).

Thomas in view of DeMasi discloses the applicant's basic inventive concept except for placing tabs on the frame member which engage holes in the printed media. Hrabik shows in figures 1-2 a frame member (1) with tabs (7) which engage holes (8) in a media display. In view of the teachings of Hrabik it would have been obvious to one in the art to modify Thomas by placing tabs on the frame member and holes in the printed media since this would help to ensure that the printed media is properly aligned for viewing.

Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas (U.S. Patent No. 2,631,468) in view of DeMasi as applied to claim 25 above and further in view of Spreser et al. (U.S. Patent No. 4,217,711)

Thomas in view of DeMasi disclose the applicant's basic inventive concept except for forming the at least frame member with a central frame member, a left frame member, and a right frame member. Spreser et al. shows in figures 1 and 2 a frame member (26) that includes two frame members (one receives card 104 and the other card 106). In view of the teachings of Spreser et al. it would have been obvious to one in the art to modify Thomas by forming

Art Unit: 3611

multiple frames on the frame member since this would allow multiple display sheets to be displayed at the same time. It is considered within one skilled in the art to vary the number of frames as desired, i.e. to form three frame members instead of two in order to allow more information sheets to be displayed.

Response to Arguments

Applicant's arguments with respect to claims 12-33 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian K. Green whose telephone number is (571) 272-6644. The examiner can normally be reached on M-F 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571) 272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bkg
March 13, 2006


BRIAN K. GREEN
PRIMARY EXAMINER